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Attorneys for DEFENDANTS:
 LOS RIOS COMMUNITY COLLEGE DISTRICT AND LOS RIOS COMMUNITY COLLEGE
 DISTRICT POLICE DEPARTMENT (erroneously sued as LOS RIOS POLICE
 DEPARTMENT)

**UNITED STATE DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

DESTINY McLAURIN,

Plaintiff,

v.

LOS RIOS COMMUNITY COLLEGE
 DISTRICT; LOS RIOS POLICE
 DEPARTMENT; NOAH WINCHESTER; and
 DOES 1-10,

Defendants.

CASE NO. 2:20-CV-02024-KJM-CKD

**ORDER GRANTING LOS RIOS
 COMMUNITY COLLEGE DISTRICT
 AND LOS RIOS COMMUNITY
 COLLEGE DISTRICT POLICE
 DEPARTMENT’S MOTION TO DISMISS
 FIRST AMENDED COMPLAINT
 WITHOUT LEAVE TO AMEND;
 JUDGMENT OF DISMISSAL**

Complaint Filed: October 9, 2020

Trial Date: None Set

Plaintiff Destiny McLaurin brought the present action against Defendants Los Rios
 Community College District and Los Rios Community College District Police Department
 (erroneously sued as “Los Rios Police Department”) (together, the “District Defendants”) and
 Noah Winchester on October 9, 2020. Plaintiff filed a First Amended Complaint on
 December 23, 2020.

The District Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint came
 on for hearing before this court on April 16, 2021. Plaintiff was represented by Dale K. Galipo

of The Law Offices of Dale K. Galipo and the District Defendants were represented by Kellie M. Murphy of Johnson Schachter & Lewis, a P.L.C.

After considering the moving and opposing papers, arguments of counsel, and all other matters presented to the court, the court granted the motion to dismiss without leave to amend by bench order but permitted the District Defendants to propose a written order, which they have now done.

The court therefore orders as follows:

1. The claims against the Los Rios Community College District Police Department are dismissed as duplicative of the claims against the Los Rios Community College District because the Los Rios Community College District Police Department is part of the Los Rios Community College District;
2. Los Rios Community College District's Motion to Dismiss Plaintiff's First Amended Complaint is granted without leave to amend, but without prejudice, on the grounds that the California community college districts are immune from 42 U.S.C. § 1983 suits under the Eleventh Amendment (*see, e.g., Cerrato v. San Francisco Community College Dist.*, 26 F.3d 968, 972 (9th Cir. 1994); *see also, e.g., Mitchell v. Los Angeles Community College Dist.*, 861 F.2d 198, 201 (9th Cir. 1988)); and
3. Judgment is entered in favor of the District Defendants and against Plaintiff Destiny McLaurin.

IT IS SO ORDERED.

DATED: June 23, 2021.


CHIEF UNITED STATES DISTRICT JUDGE